

REMARKS

In response to the Office Action dated May 20, 2005, Applicant thanks the Examiner for considering the references listed in the Information Disclosure Statements dated December 30, 2004 and March 16, 2005. In addition, Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and for indicating that the priority documents have been received by the U.S. Patent and Trademark Office.

With respect to initial matters, Applicant also thanks the Examiner for withdrawing the indication of finality, as set out in the initial Office Action Summary attached to the withdrawn April 11, 2005 Office Action, and for issuing the current Non-Final Office Action dated May 20, 2005 in its place.

Applicant wishes to express appreciation to the Examiner for the courtesy of a telephonic interview which was conducted on May 11, 2005. The substance of the interview is set forth in the Interview Summary, which is attached to the May 20, 2005 Office Action, Paper No. 437.

During the interview, the propriety of the April 11, 2005 Office Action was discussed. As a result, the Examiner confirmed that the prior final Office Action would be withdrawn and that a new non-final Office would be provided. Accordingly, the Examiner subsequently issued the current May 20, 2005 Office Action.

Claims 2, 3, 6, 7, 10, 11 and 13-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ovesjo et al. (US-2002/0160785). In addition, claims 4, 8, 12, 17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ovesjo, in view of Ikeda et al. (US-2002/0082005). For the following reasons, Applicant respectfully traverses these rejections.

Claims 2-4, 6-8 and 10-19 are all the claims pending in the application. Claims 2, 6, 10, 13-16 and 18 are independent claims. The Examiner asserts that Ovesjo discloses all the limitations contained in the independent claims including the recited response signals and request signals. Applicant respectfully disagrees.

Ovesjo fails to disclose response signals, which indicate a traffic congestion level for each communications network, transmitted in reply to a corresponding request signal, as recited in independent claims 2, 3, 6, 7, 10, 11 and 13-18. In particular, with reference to independent claim 2 as an example, the method of establishing a connection to a desired communication network includes, among other things, sending a request signal to each of a plurality of communications networks and receiving response signals from these communication networks, wherein the response signals indicate the traffic congestion level for each of the communications networks.

While Ovesjo describes a measurement report message sent from mobile terminal 30 (with reference to FIG. 3), this measurement report message is not a “response signal” because it is not transmitted in reply to a request signal. Instead, action 3-1 of the inter-RAT handover procedure (sending a measurement report message) appears to take place at predetermined intervals as a means to test the inter-RAT handover triggering function 102. (Ovesjo at 0037-38). Further, the measurement report message includes an “enhanced” report which combines signal strength measurements for all networks. (Ovesjo at 0037).

On the other hand, the recited response signal indicates the traffic congestion level of a single communications network and, therefore, response signals indicate the traffic congestion

level for all communications networks. Accordingly, Ovesjo's measurement report message does not have the same functionality of the recited response signals.

Additionally, the independent claims recite that the connection to a selected communications network is established by the user selecting one of the networks based on the traffic congestion level information contained in the response signals. On the other hand, Ovesjo discloses that an inter-RAT handover occurs when the quality of the down link radio connection with a first radio access network, as reported by the measurement report message of action 3-1, falls below a predetermined level. (Ovesjo, at 0038).

As a final matter, in Ovesjo, a handover command message 3-9 (Fig. 3) is transmitted from the network in response to the measurement report message. This command message contains, as a first parameter, a Serving-Radio Network Temporary Identifier (S-RNTI2). In response to this command message, the mobile terminal performs an action 3-10 (Fig. 3) by calculating a Default DPCH offset value, as a second parameter, which refers to a dedicated physical channel [0047].

Accordingly, in Ovesjo, the mobile terminal does not have the ability to select a channel other than that specified by the network. On the other hand, the invention of claim 2 allows a mobile terminal to select a desired network from among a plurality of networks based on the received response signals including their traffic congestion levels. Further, the handover command message does not contain any traffic congestion level information.

Again, because the measurement report message of Ovesjo is not a response signal (or response signals), as recited in the independent claims, the connection established in Ovesjo does not take place in the same manner as the recited connection established in the independent

claims. Accordingly, Ovesjo does not anticipate independent claims 2, 6, 10, 13, 14, 15, 16 and 18. In addition, since claims 3, 7 and 11 depend from independent claims 2, 6, and 10, respectively, these claims are also patentable for the same reasons as stated above with respect to independent claims 2, 6 and 10.

The Examiner has also rejected claims 4, 8, 12, 17 and 19 under §103(a) as being unpatentable over Ovesjo, in view of Ikeda. The Examiner alleges that Ovesjo discloses all of the elements recited in these claims except the indication, in the response signals, of a tariff for each communications network. Applicant respectfully disagrees.

The Ikeda reference concerns a gateway 2 for selecting a “paging” channel through a number of networks 3, 4, 5 to a called terminal 6 (Fig. 1). Although the prior art uses a least cost routing algorithm for selecting a paging channel, the calling user terminal is not provided with any information for networks 3, 4, 5. Therefore, the prior art user terminal has no ability to select a desired network based on network tariff information, as recited in claim 4.

Further, irregardless of whether or not Ikeda discloses the missing indication element, it is clear the Ovesjo itself, fails to disclose, teach or suggest many of the other elements recited in the corresponding independent claims 2, 6, 10, 16 and 18 (as set out above). Ikeda does not supply these missing elements, and the Examiner has not argued otherwise. Therefore, claims 4, 8, 12, 17 and 19 remain patentable over the asserted combination of Ovesjo and Ikeda.

In view of the above, reconsideration allows this application now believed to be in order, and such actions are hereby solicited. If any points remain an issue which the Examiner feels may be best through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 CFR 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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